

Appl. No. 10/024,681
Amdt. dated March 16, 2005
Reply to Office action of December 16, 2004

Remarks:

The Applicant respectfully suggests that the Examiner has improperly made Final the Office Action mailed December 16, 2004.

From MPEP 706.07(a):

Furthermore, a second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17 (p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

The Examiner has introduced a new ground of rejection that is neither necessitated by an amendment nor based on information submitted in an information disclosure statement. Claims 19 and 22 were not amended and, yet, have been rejected on newly cited art. It is respectfully requested, therefore, that the finality of the Office Action mailed December 16, 2004 be withdrawn.

Claims 1-11, 13-17 and 20-21 are pending in this application. Claims 19 and 22 have been cancelled by way of this amendment.

The Examiner has rejected claims 1-11, 13-17 and 19-22 under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application 2003/0009361 A1 to Hancock et al. (hereinafter "Hancock") in view of United States Patent Application 2003/0061058 A1 to Dutta et al. (hereinafter "Dutta"). The Applicant respectfully disagrees.

In order to establish that any claim is obvious the Examiner must identify 1) all of the claimed elements in the prior art; 2) a reason or motivation to modify or combine these elements to arrive at the claimed invention; and 3) a reasonable likelihood of success.

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(See M.P.E.P. 2141)

The Examiner admits that Hancock does not explicitly teach "data required to export a product...data required to import a product." This is unsurprising given that it may be considered that Hancock is directed toward a logistics node that provides an interface that permits users to access and view information regarding one or more shipments of goods. In contrast, it may be considered that aspects of the present invention are directed toward consolidating information regarding a movement of goods across a jurisdictional boundary into a single record that may be accessed from supply chain members on both sides of the boundary.

Although it may appear to the Examiner that Dutta discloses the data missing from Hancock, it is submitted that the data contemplated by Dutta is, in fact, data that allows a potential business transaction to be evaluated, such as rules, regulations and laws (see abstract, FIG. 8). As amended for clarity, claim 1 requires that the records in the database have "data required to process exporting of a product from a first jurisdiction and data required to process importing of a product to a second jurisdiction." It is submitted that the data required by claim 1 and the data provided by Dutta are different.

Advantageously, records in the database of claim 1 may contain data required to create, and electronically transmit to the appropriate government bodies, both the documentation required by a first jurisdiction to export the shipment out of the first jurisdiction and the documentation required by a second jurisdiction to import the shipment into the second jurisdiction.

As such, Hancock and Dutta, alone or in combination, simply fail to disclose each of the elements of the invention of claim 1, and fail to provide motivation to arrive at the claimed invention. Withdrawal of the rejection of claim 1 and claims 2-7 dependent thereon is therefore respectfully requested.

Claim 2 has been amended for consistency with the amendments to claim 1, from which claim 2 depends.

Claim 4 has been amended to correct a typographical error.

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In rejecting claim 8, the Examiner merely states that the claim is rejected on grounds corresponding to the arguments given in rejecting claims 1 and 2. Claim 8 is an independent method claim having five elements. It is respectfully submitted that, by merely referencing the grounds of rejection of previously rejected system claims, the Examiner has failed to identify all of the elements of claim 8 in the prior art. For instance, the Examiner has failed to identify, in Hancock or Dutta, disclosure of "determining whether said instruction to modify relates to a portion of said one of said records for which said member has modification authority." It is submitted that Hancock, in particular, determines whether a node has modification authority, rather than an individual member, as claimed. In paragraph [0201] of Hancock, two embodiments are discussed. In the first embodiment, source and destination nodes are not empowered to make changes to part priority information. In the second embodiment, source and destination nodes are empowered to make changes to part priority information.

When an integrated import/export system such as is described in the present application is deployed, a member of the supply chain that has modification authority for a given record, may modify the given record from any node. For example, a member of the supply chain may wish to modify a portion of a record while visiting the office of an exporter. In a system employing the method claimed in claim 8, the member may provide evidence of modification authority and perform the modification. In the Hancock system, the member may not be allowed to modify the record, dependent upon whether the source node is empowered to allow modification. Further, in the Hancock system, anyone having access to an empowered node (a janitor, for example) could perform a modification to a record. It is, therefore, advantageous to determine whether a member attempting to modify a record, or portion thereof, has "modification authority" as claimed in claim 8.

In view of the forgoing, it may be seen that Hancock and Dutta, alone or in combination, simply fail to disclose each of the elements of the invention of claim 8, and fail to provide motivation to arrive at the claimed invention. Withdrawal of the rejection of claim 8 and claims 9, 10 and 11, which depend, either directly or indirectly, from claim 8, is therefore respectfully requested.

Claim 13 presents a computer readable medium that allows a processor in an

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import/export system to perform the method of claim 8. For the reasons stated above in conjunction with the discussion of claim 8, applicant submits that Hancock and Dutta, alone or in combination, fail to disclose each of the elements of the invention of claim 13, and fail to provide motivation to arrive at the claimed invention. The Applicant respectfully requests that the Examiner's rejection of claim 13 be withdrawn.

Claim 14 and claim 15 relate to record editing systems for carrying out the method of claim 8. For the reasons stated above in conjunction with the discussion of claim 8, applicant submits that Hancock and Dutta, alone or in combination, fail to disclose each of the elements of the invention of either claim 14 or claim 15, and fail to provide motivation to arrive at the claimed invention. The Applicant respectfully requests that the Examiner's rejection of claims 14 and 15 be withdrawn.

In rejecting claim 16, the Examiner merely states that the claim is rejected on grounds corresponding to the arguments given in rejecting claims 1 and 2. Claim 16 is an independent method claim having five elements. It is respectfully submitted that, by merely referencing the grounds of rejection of previously rejected system claims, the Examiner has failed to identify all of the elements of claim 16 in the prior art. For instance, the Examiner has failed to identify, in Hancock or Dutta, disclosure of "determining whether said party to said transaction has modification authority." The advantages of authenticating a party to a transaction as claimed in claim 16, rather than authenticating based on node identity as disclosed in Hancock, have been discussed above.

In view of the forgoing, applicant submits that Hancock and Dutta, alone or in combination, fail to disclose each of the elements of the invention of claim 16, and fail to provide motivation to arrive at the claimed invention. The Applicant respectfully requests that the Examiner's rejection of claim 16 be withdrawn. Furthermore, it is submitted that claim 17, which depends directly from claim 16, is also patentable over Hancock in view of Dutta.

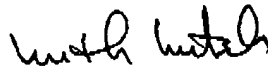
The Examiner has rejected claim 19 by, in part, citing passages of Hancock located on page 9, in paragraphs [0121] to [0126] to illustrate that Hancock discloses "first metric derived from data in a database..." Applicant has reviewed the cited passage without encountering a disclosure of such a metric and, therefore, requests the Examiner to provide a more particular citation of the words used by Hancock to disclose such a metric.

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However, the limitations of claim 19 have, by way of this amendment, been incorporated into dependent claims 20 and 21. In view of the forgoing, it is respectfully submitted that Hancock and Dutta, alone or in combination, fail to disclose each of the elements of the invention of claims 20 and 21. The Applicant respectfully requests that the Examiner's rejection of claims 20 and 21 be withdrawn.

Favorable consideration and allowance of claims 1-11, 13-17 and 20-21 of the application is earnestly solicited.

Respectfully submitted,



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37 C.F.R. § 1.8

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at 703/872-9306 on the date below.

March 16, 2005
Date


Keith Lutsch